

RECEIVED  
CENTRAL FAX CENTER

JAN 06 2006

LAW OFFICES OF  
**MARTINE PENILLA & GENCARELLA, LLP**  
Intellectual Property Counsel710 Lakeway Drive, Suite 200  
Sunnyvale, California 94085Tel: (408) 774-6900  
Fax: (408) 749-6901**FACSIMILE COVER SHEET**Re: Changes to Page 8 of  
Amendment filed on December 19, 2005

Pages including coversheet: 3

FAX No.: 571-273-8300

**CERTIFICATE OF FACSIMILE**I hereby certify that this correspondence and the papers referred to herein  
as attached are being transmitted to the United States Patent and  
Trademark Office via facsimile to 571-273-8300, Attn: Commissioner for  
Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on January 6, 2006.Signed:   
Kay Harlow

Application No.	:	10/698,893
Applicant:	:	Lin et al.
Filed:	:	October 31, 2003
Title:	:	OVERVOLTAGE PROTECTIVE DEVICE FOR DC MOTOR
TC/A.U.	:	2836
Examiner	:	Thomas, Lucy M.
Atty. Docket No.	:	JLINP171/TLC
Date	:	January 6, 2006

**PLEASE DELIVER THE ATTACHED DOCUMENTS TO  
EXAMINER LUCY M. THOMAS UPON RECEIPT***Attached to this facsimile coversheet are the following documents:*

- Communication to USPTO (1 page)
- Page 8 of Amendment as filed on December 19, 2005, with edit.

Albert S. Penilla, Esq.  
Reg. No. 39,487  
408-774-6903 Tel.**CONFIDENTIALITY NOTICE**

The document(s) accompanying this telecopier transmission contain confidential information that is legally privileged. This information is intended only for the use of the individual(s) or entity(ies) named above. If you are not the intended recipient, or have received this telecopier transmission in error, you are hereby notified that **ANY DISCLOSURE, COPYING, DISTRIBUTION, OR THE TAKING OF ANY ACTION IN RELIANCE ON THE CONTENTS OF THIS TELECOPIED INFORMATION IS STRICTLY PROHIBITED.** If you have received this telecopy in error, please notify the sender (above) immediately by telephone to arrange the return of the original documents at its expense.

JAN 06 2006

PATENT

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re the application of:

Lain-Ken Lin

Application No: 10/698,893

Filed: October 31, 2003

For: OVERVOLTAGE PROTECTIVE  
DEVICE FOR DC MOTOR

Group Art Unit: 2836

Examiner: Thomas, Lucy M.

Docket No: JLINP171/TLC

Date: January 6, 2006

CERTIFICATE OF MAILING

I hereby certify that this correspondence is being deposited with the United States Postal Service as First Class Mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on January 6, 2006.

Signed: Kay Harlow  
Kay HarlowCOMMUNICATION TO USPTO

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

Please note that the Amendment as filed with the USPTO on December 19, 2005 has a minor typographical error on Page 8 (corrected Page 8 is attached). Applicant is hereby enclosing a corrected Page 8 of the Amendment, showing the error in strikeout, and the correction in underline. At the point noted on Page 8, please change "102(e)" to read "102(b)".

Applicant believes that no fees are due in the filing of this Communication. However, if any fees are due, please charge such fees or credit any overpayment to Deposit Account No. 50-0805 (Order No. JLINP171/TLC).

Respectfully submitted,  
MARTINE PENILLA & GENCARELLA, LLP

Albert S. Penilla, Esq.  
Reg. No. 39,487

710 Lakeway Drive, Suite 200  
Sunnyvale, CA 94085  
(408) 749-6900  
Customer Number 25920

Attorney Docket No. JLINP171/TLC

Appl. No. 10/698,893

Amdt. dated December 19, 2005

Reply to Office action of September 22, 2005

## PATENT

Verdegaal Bros. V. Union Oil Co. of California, 814 F.2d 628, 631, 2 USPQ2d 1051, 1053(Fed. Cir. 1987). "The identical invention must be shown in as complete detail as is contained in the ...claim." Richardson v. Suzuki Motor Co., 868 F.2d 1226, 1236, 9 USPQ2d 1913, 1920 (Fed. Cir. 1989). (MPEP 2131)

As defined by the amended claim 1, an overvoltage protective device in parallel connection with a direct-current (DC) motor includes a voltage-dividing circuit and a control unit. The voltage-dividing circuit has one end electrically connected to an input voltage of the DC motor, and the other end thereof connected to ground. The control unit is in parallel connection with one part of the voltage-dividing circuit, and for accessing a voltage level of the part of the voltage-dividing circuit to further drive the DC motor, wherein when a voltage level of the part is larger than a reference voltage, the control unit stops driving the DC motor. That is, the control unit decides whether or not to drive the DC motor by accessing the voltage level of the part of the voltage-dividing circuit so as to protect DC motor.

However, Tabata discloses an overvoltage-protective device for protecting a switching element, rather than a DC motor. In particular, Tabata discloses that "the gate (7) of transistor (4) is applied with the voltage (V2) obtained by dividing the voltage (V1) applied to the switching element (S), which is a device to be protected, by the voltage-dividing resistors 8 and 9, so that a current path for bypassing the switching element (S) to be protected is defined across the terminals (T1) and (T2) upon conduction of the transistor (4)." See FIG 4 and col. 3, lines 52-59 of Tabata. Moreover, Tabata is silent about whether the transistor (4) could drive the DC motor (A) or not. Accordingly, the control unit, as recited in the amended claim 1, would not be anticipated by the transistor (4).

Since Tabata fails to anticipate an identical invention as contained in the amended claim 1, the novel features of the amended claim 1 produces new and unexpected results and hence are unobvious and patentable over Tabata.

In addition, insofar claims 3-5 depend from claim 1, these claims add further limitations thereto. Thus, claims 3-5 of the present application are also novel and unobvious over Tabata.

With respect to paragraph 5 of the Office Action, claims 1, 5, 6 and 7-8 are rejected under 35 U.S.C. §102(b) as being anticipated by Xi (US 6,879,120). For the record, the Office is noticed that reference Xi (US 6,879,120) was improperly identified as a section 102(e) 102(b) reference. This response will assume Xi is section 102(e) art, and the Examiner is requested to make a note of the same.

Of rejected claims, only claims 1 and 7 are independent.

Claim 1 has amended to include the features of claim 2, which is not anticipated by

Attorney Docket No. JLINP171/TLC

8